

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3353-01
Bill No.: HB 1315
Subject: Courts; Public Buildings; Sovereign or Official Immunity
Type: Original
Date: March 19, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Legal Expense*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Could exceed (\$100,000) in any given fiscal year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Auditor, Lieutenant Governor's Office, Missouri House of Representatives, Office of State Treasurer, Office of Administration – Division of Personnel, – Division of Facilities Management, Department of Natural Resources,** and the **Missouri Senate** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs related to this proposal could be absorbed with existing resources.

In response to an identical proposal from the 2001 session (Perfected HB 915), officials from the **Governor's Office** assumed this legislation could have impact on state government but should not have a direct impact to the Governor's Office.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would waive the state's sovereign immunity and permit suits against the state under the federal Americans with Disabilities Act. CTS assumes that suits would be filed in state court and there may be some increase in the number of cases filed. However, CTS has no way of estimating that increase at this time and do not anticipate that it would be substantial enough to require a budget increase in the courts.

Officials from the **Office of Secretary of State** assume this proposal would allow individuals to sue state agencies for damages in state court for violations of the Americans with Disabilities Act (ADA). The potential would exist for increased litigation. It is impossible to predict with any reasonable certainty the litigation costs and potential damage awards due to ADA lawsuits, but these costs could be significant.

Oversight assumes that prior to the recent U.S. Supreme Court decision, cases could be filed in state court. Oversight assumes that this proposal allows such cases to be filed in state court. Based on these assumptions and the assumptions provided by the CTS, Oversight assumes the administrative impact of this portion of the proposal is \$0. This proposal also specifies that the provisions shall, without limitation, apply to the Missouri State Capitol Building. Oversight assumes the impact of this proposal as it relates to the state would be \$0 to (Unknown), depending on the success of the lawsuits. Oversight assumes that any one judgment against the state could exceed \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2003	FY 2004	FY 2005
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LEGAL EXPENSE FUND

<u>Costs</u> - Potential for more lawsuits*	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
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***Could exceed (\$100,000) in any given fiscal year.**

<u>FISCAL IMPACT - Local Government</u>	FY 2003	FY 2004	FY 2005
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would allow the state of Missouri to be subject to lawsuits for monetary damages in Missouri state courts for violations of the federal Americans with Disabilities Act. In addition, this proposal states that the provisions of such section would, without limitation, apply to the Missouri State Capitol Building.

This proposal contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources
Office of Administration
 – Division of Personnel
 – Division of Facilities Management
Lieutenant Governor's Office
Office of State Courts Administrator
Office of Secretary of State
Office of State Treasurer
Office of Attorney General
Missouri House of Representatives
Missouri Senate
Office of State Auditor
Governor's Office

NOT RESPONDING

Governor's Office



Mickey Wilson, CPA
Acting Director

March 19, 2002